

2020 MAY 26 2:27:49

CINDY MURRAY

ORDINANCE NO. 2020-16

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY,
INDIANA, TO REZONE CERTAIN REAL ESTATE FROM R2 TO NBU

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE,
INDIANA:**

Section I: The Unified Zoning Ordinance Tippecanoe County, Indiana being a separate ordinance and part of the Municipal Code of Lafayette, Indiana, is hereby amended to rezone the following described real estate situated in Fairfield Township, Tippecanoe County, Indiana, to-wit:

See attached Exhibit A

Section II: The above described real estate should be and the same is hereby rezoned from R2U to NBU.

Section III: This Ordinance shall be in full force and effect from and after its adoption.

**PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
LAFAYETTE, INDIANA, THIS DAY OF _____, 20____.**

_____, Presiding Officer

ATTEST:

Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on the _____ day of _____, 20____.

Cindy Murray City Clerk

This Ordinance approved and signed by me on the _____ day of _____, 20____.

ATTEST:

Tony Roswarski, Mayor

Cindy Murray, City Clerk

EXHIBIT A

Lot numbered Thirty-two (32) in the L.B. Stocktons Second Addition to the City of Lafayette, Indiana as platted upon part of the Southwest Quarter of Section Twenty-one (21) Township Twenty-three (23) North, Range Four (4) West, Located in Fairfield Township, Tippecanoe County, Indiana

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242
(765) 423-9154 [FAX]
www.tippecanoe.in.gov/apc

SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

May 21, 2020
Ref. No.: 2020-115

Lafayette Common Council
20 N 6th Street
Lafayette, IN 47901

CERTIFICATION

RE: Z-2784 THOMAS C. AND SUSAN L. RIEHLE (R2U to NBU):

Petitioners are requesting rezoning of one lot located on the east side of N. 13th Street between Union and Elizabeth Streets, specifically, 723 N. 13th Street, Lafayette, Fairfield 21 (SW) 23-4.

Dear Council Members:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on May 20, 2020 the Area Plan Commission of Tippecanoe County voted 16 yes - 0 no on the motion to rezone the subject real estate from R2U to NBU. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Lafayette Common Council that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Lafayette Common Council at their June 1, 2020 regular meeting. Petitioners or their representatives must present their case.

Sincerely,


Sallie Dell Fahey
Executive Director

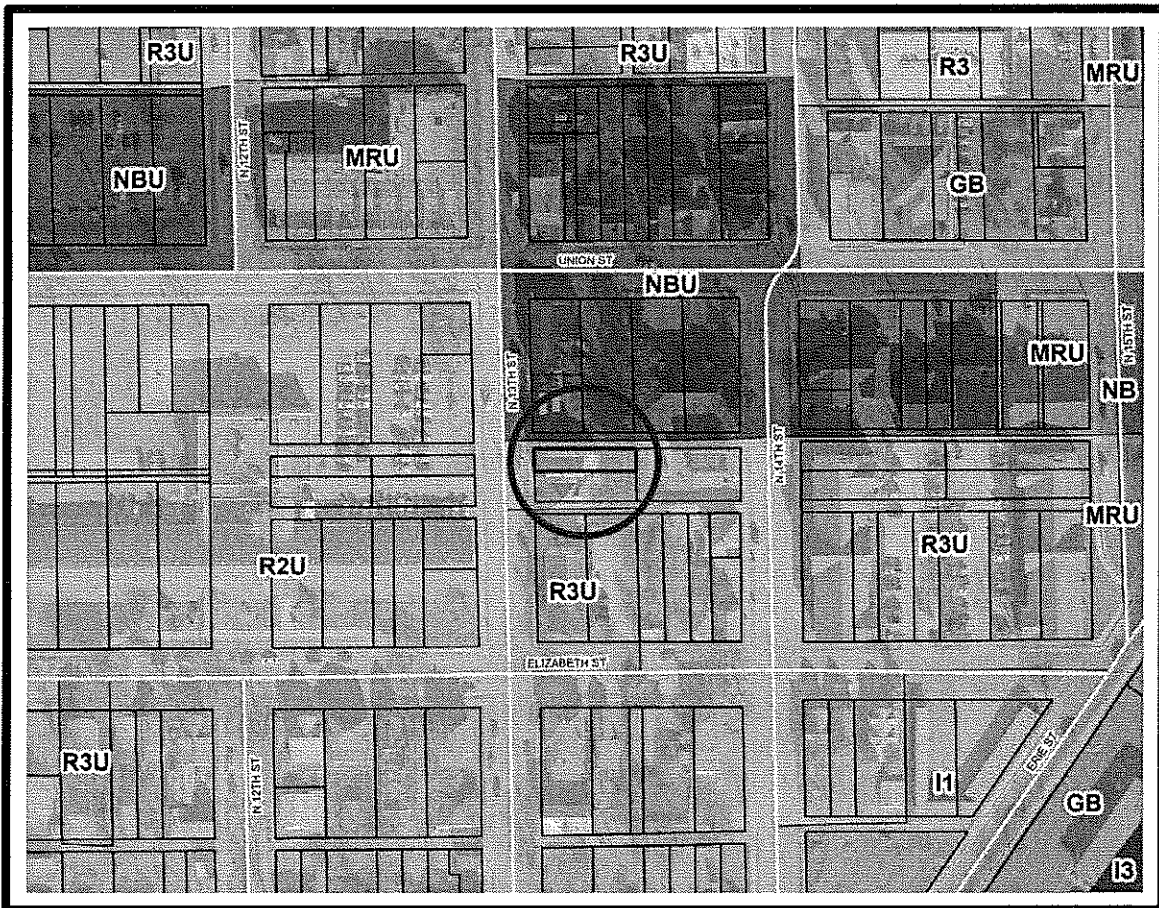
SDF/crl

Enclosures: Staff Report & Ordinances

cc: Thomas and Susan Riehle
Tyler Ochs, Ball Eggleston, PC
Jeromy Grenard, Lafayette City Engineer

Z-2784
THOMAS C. AND SUSAN L. RIEHLE
(R2U to NBU)

STAFF REPORT
February 13, 2020



Z-2784
THOMAS C. RIEHLE AND SUSAN L. RIEHLE
R2U to NBU

Staff Report
February 13, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners, who own the property and are represented by attorney Tyler Ochs of Ball Law, are requesting a rezoning from R2U to NBU. If rezoned, petitioners plan to add a commercial kitchen to the first floor of the single-family home on site and retain an apartment on the second floor. The kitchen would be used to prepare food that is catered off-site on food trucks. This site is commonly known as 723 North 13th Street, Lafayette, Fairfield 21(SW) 23-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

The property is zoned R2U; the earliest zoning maps show this property with R3 zoning, which was changed to R2U with the adoption of an overall neighborhood rezone for Historic Jeff in 2000 (Z-2046).

Property adjacent to the south and west across 13th is also zoned R2U. A few areas of R3U can be found in the neighborhood, with the closest being south at the northeast corner of Elizabeth and 13th Streets. NBU zoning can be found adjacent to the north of the property in question across the alley on lots fronting Union Street.

AREA LAND USE PATTERNS:

The site in question (only 22' wide) contains a single-family home and a small backyard. Land to the north is used commercially and land to the south is used residentially. West across 13th is the former Washington Elementary school, now utilized by LARA (Lafayette Adult Resource Academy).

TRAFFIC AND TRANSPORTATION:

The site is located on North 13th Street, classified as an urban local road in *The Thoroughfare Plan*. Parking required for the proposed use will be accommodated off-site by way of a recorded off-site parking agreement as approved by the Administrative Officer for Lafayette.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

City utilities serve the site. No buffer yard is required if rezoned.

The County Health Department will need to inspect any new commercial kitchen. Compliance with The Indiana State Health Department's "Retail Food Establishment Sanitation Requirements" will need to be met as well as all state and local building codes.

STAFF COMMENTS:

Petitioners plan to convert the first floor of this older home into a commissary for their mobile food truck business while retaining an apartment on the second floor. Currently, the tavern just north of the subject property contains a small kitchen that is used for the food trucks, but the business has outgrown this space.

The alley that borders the northern lot line of the property in this request serves as the boundary between residential and commercial zoning. To the north is property in the *Union/Salem Corridor* plan and to the south is land in the *Historic Jeff Neighborhood Plan*, both adopted as part of *The Comprehensive Plan*. The neighborhood plan recommends commercial areas to remain along the periphery of the neighborhood as they have historically. Based on staff experience, allowing this one small lot to be rezoned commercially will likely lead to a series of other commercial rezones into the interior and can drastically alter the character of the neighborhood. Additionally, staff has concerns about the small size of the lot, 22' wide and 100' deep, and its proximity to adjacent residences if rezoned.

STAFF RECOMMENDATION:

Denial